

W. CHRISTIAN KRANKEMANN, ESQ (SBN 220438)
KRANKEMANN | PETERSEN LLP
Attorneys At Law
375 E Street, Suite 120
Santa Rosa, California 95404
Telephone: (707) 524-2200
Facsimile: (866) 858-0100
wck@krankemann.com

Attorney for Plaintiff
OptiRev, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VINTERACTIVE, LLC,

Plaintiff,

v.

OPTIREV, LLC,

Defendant.

OPTIREV, LLC,

Counterclaimant,

v.

VINTERACTIV, LLC,

Counterdefendant.

Case No.: 3:15-cv-02903-SI

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER
RESCHEDULING INITIAL CASE
MANAGEMENT CONFERENCE**

Courtroom: 10
Judge: Susan Illston
Trial Date: None Set

Plaintiff/Counterdefendant VinterActive, LLC and Defendant/Counterclaimant OptiRev, LLC stipulate to and respectfully ask the Court to reschedule the Initial Case Management Conference that is currently scheduled for October 2, 2015, at 2:30 p.m., to **November 6, 2015, at 2:30 p.m.**, and to continue other deadlines accordingly, per the Order Setting Initial Case Management Conference and ADR Deadlines (ECF 3), which states: "If the Initial Case Management Conference is continued, the other deadlines are continued accordingly."

There is good cause to reschedule the Case Management Conference, due to a scheduling conflict identified by OptiRev's counsel, as set forth in accompanying declaration of W. Christian Krankemann in support of this stipulated request. Mr. Krankemann has trial-related conferences scheduled on October 2, for an insurance bad faith trial starting on October 6 in Marin County Superior Court. Trial is expected to run three to four weeks. At the same time, he is in the process of relocating his law firm to a separate building by the end of September 2015. He anticipates that trial- and move-related issues will consume nearly all of his time from now until the latter part of October.

Despite these scheduling issues, the parties are working diligently and cooperatively to advance this case. OptiRev filed its Answer and Counterclaim on August 7, 2015 (ECF 17), and VinterActive filed its Answer to Counterclaim on August 27, 2015 (ECF 18). The parties have communicated by phone and email and have agreed to continue meet and confer efforts throughout October.

NOW THEREFORE, the parties stipulate and agree, subject to the Court's approval, that:

(i) the Case Management Conference will be moved from September 25, 2015, at ^{October 30, 2015} 2:30 p.m., to ~~November 6, 2015~~, at 2:30 p.m.

(ii) the Case Management Statement will be due on ~~October 30~~²³, 2015, and all other deadlines set forth in the Order Setting Initial Case Management Conference and ADR Deadlines (ECF 3) will be continued accordingly.

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1 **IT IS SO STIPULATED.**

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3 Dated: September 17, 2015

Respectfully submitted,

BERNARD IP LAW, LLC

4 /s/ Laura C. Rosenthal
5 Laura C. Rosenthal
6 Attorneys for Plaintiff/Counterdefendant
7 VinterActive, LLC

8 KRANKEMANN | PETERSEN LLP

9 /s/ W. Christian Krankemann
10 W. Christian Krankemann
11 Attorneys for Defendant/Counterclaimant
12 OptiRev, LLC

13 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

14 I, W. Christian Krankemann, attest that concurrence in the filing of this Stipulation to
15 Reschedule the Initial Case Management Conference has been obtained from the other
16 signatory. I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct. Executed this 17th day of September, 2015, at Santa
18 Rosa, California.

19 s/ W. Christian Krankemann
20 W. Christian Krankemann
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KRANKEMANN | PETERSEN LLP

ATTORNEYS AT LAW

375 E Street, Suite 120 | Santa Rosa, California 95404
Telephone (707) 524-2200 | Facsimile (866) 858-0100

~~PROPOSED~~ ORDER

Pursuant to stipulated request, **IT IS SO ORDERED.**

Dated: 9/18/15



Hon. Susan Illston
United States District Judge

KRANKEMANN | PETERSEN LLP

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Attorney for Plaintiff
OptiRev, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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VINTERACTIVE, LLC,

Plaintiff,

v.

OPTIREV, LLC,

Defendant.

Case No.: 3:15-cv-02903-SI

**DECLARATION OF W. CHRISTIAN
KRANKEMANN IN SUPPORT OF
STIPULATION AND [PROPOSED]
ORDER RESCHEDULING INITIAL
CASE MANAGEMENT
CONFERENCE**

OPTIREV, LLC,

Counterclaimant,

v.

VINTERACTIV, LLC,

Counterdefendant.

Courtroom: 10
Judge: Susan Illston
Trial Date: None Set

1 I, W. Christian Krankemann, declare as follows:

2 1. I am an attorney admitted to practice in California and before this Court. I am
3 a partner in the law firm Krankemann | Petersen LLP, counsel of record for OptiRev, LLC
4 in this matter. I make this declaration based on my own personal knowledge.

5 2. Pursuant to Civil L.R. 6-2, I submit this declaration in support of the parties'
6 concurrently filed Joint Stipulation and [Proposed] Order Rescheduling the Initial Case
7 Management Conference.

8 3. On June 23, 2015, the Court scheduled the Initial Case Management
9 Conference in this matter for September 25, 2015, at 2:30 p.m. (ECF 3). On August 6,
10 2015, the Court postponed the Initial Case Management Conference one week to October 2,
11 2015.

12 4. Defendant/Counterclaimant OptiRev, LLC filed its Answer/Counterclaim on
13 August 7, 2015 (ECF 17), and Plaintiff/Counterdefendant VinterActive, LLC filed its
14 Answer to Counterclaim on August 27, 2015 (ECF 18).

15 5. I have a scheduling conflict on October 2, 2015 and therefore am not able to
16 attend the Case Management Conference as currently scheduled. I am lead trial counsel in
17 *De La Renta v. Geico*, an insurance bad faith case set in Marin County Superior Court, Civ-
18 1202608 (filed June 6, 2012). The trial is set to start on October 6, and I have trial-related
19 conferences scheduled for October 2, 2015 that I am unable to reschedule. Trial is expected
20 to run for three to four weeks, and almost certainly will not be postponed.

21 6. I am also in the process of moving my law firm out of its current address by
22 the end of this month, and into a separate building. I expect that trial and move-related
23 issues will consume almost all of my time from now until the latter part of October.

24 7. In light of the abovementioned conflict, I requested that the parties agree to a
25 new date for the Case Management Conference. Counsel for Plaintiff/Counterdefendant
26 VinterActive, LLC, does not oppose the request.

27 8. Despite these scheduling issues, the parties are working diligently and
28 cooperatively to advance this case via recent filings. The parties have also communicated

1 by phone and email and have agreed to continue meet and confer efforts throughout
2 October.

3 9. Pursuant to Civil L.R. 6-2(a)(2), I have set forth below a list of previous time
4 modifications in this action:

5 a. On July 28, 2015, pursuant to the parties' joint stipulation, the
6 Court ordered that OptiRev, LLC had an additional 14 days to file its
7 Answer/Counterclaim.

8 10. The parties do not foresee this time modification having any effect on the
9 schedule for this matter.

10 I declare under penalty of perjury under the laws of the United States of America that
11 the foregoing is true and correct. Executed this 17th day of September, 2015, at Santa Rosa,
12 California.

13 s/ W. Christian Krankemann
14 W. Christian Krankemann
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